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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,110	09/25/2003	Clifton Harold Bromley	03SW171 / ALBRP316US	7239
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ROCKWELL AUTOMATION for Turocy & Watson LLP 1201 SOUTH SECOND STREET E-7F19 MILWAUKEE, WI 53204			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT 2443	PAPER NUMBER
			NOTIFICATION DATE 01/06/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/671,110	Applicant(s) BROMLEY ET AL.	
	Examiner ASGHAR BILGRAMI	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2009 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 45 & 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "substantially" is unquantifiable. In the instant case the term "substantially zero-install" is not clear as to what constitutes a zero-install is, rather it is contradictory to a zero-install. Specification is also not clear on the definition of "substantially zero-install" or "zero install".

4. Regarding claims 45 & 51, the phrase "substantially" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those

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encompassed by "substantially"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 45-88 are rejected under 35 U.S.C. 102(e) as being anticipated by Kreidler et al (U.S.6,975,913 B2).

7. As per claims 45, 48 & 73 Kreidler disclosed a system that facilitates rendering a browser-based HMI on a device associated with an industrial automation environment, comprising: means for interfacing a server component by way of a network to a set of substantially zero-install client devices associated with an industrial automation environment (col.5, lines 11-23) {Also see figure 7}; means for establishing at least one browser session over the network with at least one browser running on one or more device included in the set of client devices (col.5, lines 26-34); means for rendering a browser-based HMI formatted for display by the at least one browser (col.5, lines 49-66), wherein the browser-based HMI is specifically formatted to present relevant

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information associated with the industrial automation environment (col.11, lines 59-64); and means for transmitting the browser-based HMI over the network by way of the browser session to the at least one browser (col.7, lines 55-67 & col.8, lines 1-9) { Shows browser based Human Machine Interface (HMI) being communicated over the Internet and real-time information/data is exchanged during the HMI communication session}.

8. As per claims 46, 72 & 88 Kreidler disclosed the system of claim 45, further comprising means for automatically updating the browser-based HMI in response to a change in a state of the industrial automation environment (col.20, lines 43-53).

9. As per claims 47, 53, 54, 55, 70, 71, 75, 76 Kreidler disclosed the system of claim 45, further comprising means for maintaining the at least one browser session in an asynchronous and continuous manner (col.2, lines 42-49).

10. As per claims 49 & 74 Kreidler disclosed the system of claim 48, the communication component transmits the browser- based HMI generated by the HMI rendering component to the device or to the at least one browser operating on the device over the network by way of the browser session (col.5, lines 10-34).

11. As per claim 50 Kreidler disclosed the system of claim 48, the communication component initiates the browser session based upon a request to initiate a browser

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session received from the device or from the at least one browser operating on the device (col.5, lines 10-34).

12. As per claim 51 Kreidler disclosed the system of claim 48, the device is substantially a zero-install client device with a standard web browser that requires no additional components in order to construct, define, format, or display the browser-based HMI (col.5, lines 10-34).

13. As per claim 52 Kreidler disclosed the system of claim 48, the device is at least one of a fixed HMI, a tethered portable HMI, or a wireless HMI (col.5, lines 10-34).

14. As per claims 56, 61, 78 & 83 Kreidler disclosed the method of claim 73, further comprising storing data associated with at least one of a user history associated with the one or more device or a machine or equipment included in the industrial automation environment (col.3, lines 18-24), a user preference associated with the one or more device or a machine or equipment included in the industrial automation environment, an equipment list associated with the industrial automation environment, an equipment function or capabilities list associated with the industrial automation environment, a disparate or previous browser-based HMI, or features of one or more browser-based HMI (col.17, lines 37-48).

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15. As per claim 57 Kreidler disclosed the system of claim 56, the communication component transmits at least a portion of the multiple browser-based HMIs (1) to the at least one browser as an update to the browser-based HMI, (2) to multiple browsers operating on the device, or (3) to multiple devices included in the set of client devices (col.5, lines 49-66).

16. As per claims 58 & 77 Kreidler disclosed the system of claim 48, further comprising a customization component that receives one or more desired attribute associated with the browser-based HMI (col.11, lines 49-58).

17. As per claim 59 Kreidler disclosed the system of claim 58, the one or more desired attribute is at least one of a language in which the HMI is to be rendered, a type of machine or industrial equipment to be represented by the HMI, a type of data or information to be rendered or represented by the HMI, or received from the device or the at least one browser operating on the device by way of the browser session (col.17, lines 16-36).

18. As per claim 60 Kreidler disclosed the system of claim 48, further comprising an artificial intelligence component that produces one or more inference associated with a suitable browser-based HMI (col.2, lines 42-50).

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19. As per claims 62 & 79 Kreidler disclosed the system of claim 48, further comprising a memory remote from the device that stores a library or profile associated with the browser-based HMI (col.3, lines 18-24).

20. As per claim 63 Kreidler disclosed the system of claim 62, the library or profile includes data associated with at least one of a user history associated with the device or a machine or equipment included in the industrial automation environment (col.3, lines 18-24), a user preference associated with the device or a machine or equipment included in the industrial automation environment, an equipment list associated with the industrial automation environment, an equipment function or capabilities list associated with the industrial automation environment, a disparate or previous browser-based HMI, or features of one or more browser-based HMI (col.17, lines 37-48).

21. As per claims 64, 80 & 84 Kreidler disclosed the system of claim 48, further comprising an encryption component that encrypts information propagated by way of the browser session or the network (col.7, lines 21-30).

22. As per claims 65 & 81 Kreidler disclosed the system of claim 48, further comprising an authentication component that verifies information propagated by way of the browser session or the network is from a trusted source (col.7, lines 21-30).

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23. As per claim 66 Kreidler disclosed the system of claim 48, network is a wide area network (WAN) or a local area network (LAN) (col.2,lines 42-44).

24. As per claims 67 & 85 Kreidler disclosed the system of claim 48, the network is a virtual private network (VPN) that facilitates secure transmission of data between the communication component and the set of client devices (col.7, lines 21-31).

25. As per claim 68 Kreidler disclosed the system of claim 48 is included in or operatively coupled to a web server (col.5, lines 11-34).

26. As per claims 69, 86 & 87 Kreidler disclosed the system of claim 68, wherein the at least one browser and the web server employ at least one of hypertext transfer protocol (HTTP) or transmission control protocol/Internet protocol (TCP/IP) (col.9, lines 12-18).

Response to Arguments

27. Applicant's arguments with respect to new claims 45-88 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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29. Kupiec et al (U.S. 7,194,529 B2) disclosed method and apparatus for the delivery and integration of an asset management system into an existing enterprise system.
30. Wischinski (U.S. 7,313,609 B1) disclosed method and apparatus for programming an automation device.
31. Wolff et al (U.S. 7,305, 114 B2) disclosed Human/Machine interface for a machine vision sensor and method for installing and operating the same.
32. Harvey et al (U.S. 6,556,899 B1) disclosed bus diagnostic and control system and method.
33. Arone et al (U.S. 7,240,212 B2) disclosed method and system for secure alert messaging.
34. Ciofi et al (U.S. 7,178,112 B1) disclosed management if functions for block diagrams.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./

Examiner, Art Unit 2443

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443